

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY :
AND MUNICIPAL EMPLOYEES, AFL-CIO, :
LOCAL 298, MANCHESTER, NEW HAMPSHIRE :
:
and :
:
CITY OF MANCHESTER, NEW HAMPSHIRE AND :
PARKS AND RECREATION DEPARTMENT :

CASE NO. A-0409:1
DECISION NO. 780006

APPEARANCES

Representing the American Federation of State, County and Municipal
Employees, AFL-CIO, Local 298:

James J. Barry, Jr., Esquire, Counsel
James C. Anderson, President, Local 298
Joseph Martin, Steward, Parks & Recreation Department
Leon J. Morrisette, Employee, Parks & Recreation Department

Representing the City of Manchester, New Hampshire:

Wilbur L. Jenkins, Personnel Director
Clement M. Lemire, Superintendent

BACKGROUND

On February 25, 1977, Local 298, American Federation of State, County and Municipal Employees filed charges of unfair labor practices against the City of Manchester and the Parks and Recreation Department for failure to process grievances in accordance with the existing contract by and between the parties.

Charges filed involved two grievances against the City; namely:

- (a) On January 6, 1977, grievance was filed by Joseph Martin and other employees of the Parks and Recreation Department with the City alleging unfair treatment with regard to overtime granted certain employees of the JFK Arena.
- (b) On January 12, 1977, grievance was filed by John Wilder, an employee of the Parks and Recreation Department with the City for alleged unfair treatment regarding extension of his probationary period.

Local 298, AFSCME'S current agreement with the City of Manchester Parks and Recreation Department incorporates a grievance procedure, Article XII, setting forth in detail the specific procedure to be followed whenever a grievance is filed.

Hearing on the above charges was scheduled for May 6, 1977, however, due to a lack of quorum of the Board, hearing had to be rescheduled and held June 10, 1977 in Room 306 of the Legislative Office Building, Concord, New Hampshire.

Oral and written evidence was presented by all parties of interest. The City by its representative, Wilbur Jenkins, stated they had attempted on numerous occasions to follow the contractual grievance procedure, however, he felt the Union was not too clear about its own procedure and the City had not received adequate responses to their many attempts to follow the necessary steps.

Several letters relative to the case were submitted in evidence substantiating the attempts by the parties to schedule meetings which were eventually cancelled by one party or the other for various reasons, such as lack of a quorum, illness, unavailability of members because of prior commitments, etc.

It appeared that Local 298 suggested circumvention of the process prior to exhausting of the various grievance steps by requesting arbitration.

Local 298 denied opportunities for further meetings in connection with the grievance procedures after the filing of the unfair labor practice charges with PELRB, all of which resulted in a stalemate.

FINDINGS OF FACT

1. There was evidence that the contract requirements and time limits had not been met by the City prior to the appeal to the Public Employee Labor Relations Board for relief; and, both parties failed to follow the grievance procedures set forth in Article XII of the contract and that various actions only resulted in delays.
2. Board will not rule on the unfair labor practice charges for failure to process the two grievances pending compliance with the following order.

ORDER

After careful consideration of all the facts and evidence before it, the Public Employee Labor Relations Board rules, as follows:

Both parties are to pursue the steps in the grievance procedures outlined in Article XII of the existing contract by and between the City of Manchester, New Hampshire, Parks and Recreation Department and Local 298 of the American Federation of State, County and Municipal Employees, AFL-CIO, in its entirety before seeking further remedy with this Board or through arbitration.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 21st day of February, 1978

By unanimous vote of the Board. Chairman Edward J. Haseltine, Members, Richard H. Cummings and Joseph B. Moriarty present and voting. Absent: Members Edward L. Allman and James C. Anderson. Also present, Board Clerk, Evelyn C. LeBrun.